



**U.S. Department of Justice
U.S. Attorney's Office
Western District of Texas**

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FEDERAL GRAND JURY INDICTS FIVE IN ALIEN SMUGGLING CASE

United States Attorney Johnny Sutton announced today the return of a federal grand jury indictment in Austin, Texas, charging one Ecuadorian national and four Mexican nationals with conspiracy to smuggle, transport and harbor illegal aliens resulting in death.

The indictment charges 57-year-old Carlos Cuesta-Rodriguez of Guayaquil, Ecuador, 51-year-old Juan Carlos Pena-Gutierrez of Nuevo Laredo, Mexico, 47-year-old Carlos Javier Pena-Gutierrez of Nuevo Laredo, Mexico, 64-year-old Alfonso Rodriguez-Catalan living in Laredo, Texas and 34-year-old Juan Carlos Calles living in Dallas, Texas. The indictment alleges that between June 1995 and July 23, 1996, the defendants were involved in a conspiracy to smuggle, transport and harbor illegal aliens for private financial gain. According to court records, Cuesta was charging Ecuadorian nationals between \$3,000 and \$9,000 to smuggle them from Ecuador to the United States.

On July 23, 1996, Hays County Sheriff's Office deputies discovered two dead undocumented aliens in a field behind a truck stop in Buda, Texas. A preliminary investigation revealed that the deceased had suffocated in a cargo trailer used to transport approximately 40 undocumented aliens to Austin.

Upon conviction, each defendant faces up to life in federal prison. On January 9, 2003, Carlos Cuesta-Rodriguez was arrested near Del Rio, Texas, and charged with illegal re-entry. Cuesta-Rodriguez remains in federal custody. The other defendants are fugitives.

This ongoing investigation is being conducted by agents from the United States Immigration and Customs Enforcement. This case is being prosecuted by Assistant United States Attorney Gerald C. Carruth.

An indictment is a formal accusation of criminal conduct, not evidence. The defendants are presumed innocent unless and until convicted through due process of law.

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